

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

**JEFFREY SCOTT RATCHFORD**

**PETITIONER**

**VS.**

**CASE NO.: 5:07CV00216 BD**

**WENDY KELLEY, Director,  
Arkansas Department of Correction<sup>1</sup>**

**RESPONDENT**

**ORDER**

Petitioner Jeffrey Scott Ratchford has filed a motion for reconsideration of the Order denying his Rule 60(b) motion. (Docket entry #28) Mr. Ratchford's motion (#28) is DENIED.

As noted in the Order denying relief under Rule 60(b), Mr. Ratchford presents compelling claims (#27), but Rule 60 is not the appropriate vehicle to raise those claims. Mr. Ratchford did not file his newly discovered evidence claim within one year, as required. See *Gonzalez v. Crosby*, 125 S.Ct. 2641, 2649, 545 U.S. 524, 535 (2005); FED.R.CIV.P. 60(b)(2); FED.R.CIV.P. 60(c)(1). He filed his "catch-all" claims eight years after judgment, which is not within a "reasonable time." FED.R.CIV.P. 60(b)(6) and (c)(1).

Mr. Ratchford argues that his claims should not be considered a second or successive petition. (#28) If that is the case, 28 U.S.C. § 2254 provides an avenue for

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<sup>1</sup> Mr. Ratchford named Larry Norris as Respondent. Under Rule 2 of the Rules Governing § 2254 Cases in United States District Courts, the proper Respondent is the state officer who has custody of Mr. Ratchford. That officer is now Wendy Kelley, Director of the Arkansas Department of Correction. Accordingly, the Clerk is instructed to substitute Director Kelley as the Respondent.

presenting newly discovered evidence and claims based on a new rule of constitutional law. Mr. Ratchford may also bring a successive claim as long as he obtains prior authorization. 28 U.S.C. § 2244(b)(1)-(3)(A). If Mr. Ratchford files another petition, he should be aware of the limitations period in 28 U.S.C. § 2244(d).

DATED this 7th day of October, 2015.

  
UNITED STATES MAGISTRATE JUDGE